

REMARKS

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) is being submitted to overcome the provisional obviousness-type double patenting rejection based on copending Application No. 10/688,089 and copending Application No. 10/688,411.

In response to the Office Action mailed March 13, 2006, the application has been carefully reviewed and amended. Entry of these amendments and reconsideration of the application is respectfully requested. Support for the claim amendment can be found in the summary and throughout the specification. Claim 1 has been rewritten to more clearly claim the Applicant's invention.

Claims 1-3 and 6-19 are rejected under 35 U.S.C. 102(a) as being anticipated by JP 2003-066599. The Examiner stated that

“JP '599 discloses a self-coloring photosensitive and pressure sensitive recording material comprising photosensitive microcapsules and one or more protective layers containing gelatin, wherein in one embodiment of the protective layer is a multi-layer construction.”

“Nagata discloses a light and heat sensitive material comprising, on a support, a recording layer comprising microcapsules. See the Abstract. Furthermore, the light and heat sensitive material comprises a protective layer, wherein the protective layer consists of two or more layers. See paragraphs [0145]-[0151].”

Claim 1 has been amended to further include additional information on the imaging element of this embodiment, as found in the summary and discussed in pages 4-5 when read in context of the whole description. As stated, these imaging elements have an inner protective overcoat layer as well as an outer protective overcoat layer. The inner protective overcoat layer is to “provide cushioning for damage by handling” and, in one embodiment, “the outer protective overcoat layer has a modulus greater than the modulus of the inner protective layer.” as stated in the summary and claimed. This allows the inner protective layer to “provide cushioning” as is discussed in the detailed description.

The fact is that neither JP '599 nor Nagata disclose the inner layer described by the Applicants in the present invention. Even if the material

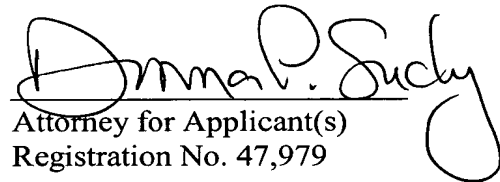
described in these applications were used, it would not satisfy the requirements of the present invention's inner layer as discussed above and disclosed in the application, that is, it would not "provide cushioning for damage by handling."

In fact there is no such discussion in either JP '599 or Nagata.

It is believed that these changes now make the claims clear and definite and, if there are any problems with these changes, Applicants' attorney would appreciate a telephone call.

In view of the foregoing, it is believed none of the references, taken singly or in combination, disclose the claimed invention. Accordingly, this application is believed to be in condition for allowance, the notice of which is respectfully requested.

Respectfully submitted,


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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.